

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Property is located in the County of Allen, State of
Indiana and identified or described as follows:

Part of the West half of the Northwest quarter of
Section 20, Township 31 North, Range 13 East, Allen
County, Indiana, more particularly described as
follows:

Beginning at a point on the North line of the Northwest
quarter of Section 20, Township 31 North, Range 13
East, Allen County, Indiana, said point being situated
238.7 feet West of the Northeast corner of the West
half of the Northwest quarter of said Section 20-31-13;
thence South 00 degrees 10 minutes East, parallel to
the East line of the West half of the Northwest quarter
of Section 20-31-13, a distance of 170.0 feet to a
point; thence South 90 degrees 00 minutes West,
parallel to the North line of the Northwest quarter of
Section 20-31-13; a distance of 150.0 feet to a point;
thence North 00 degrees 10 minutes West, parallel to
the East line of the West half of the Northwest quarter
of Section 20-31-13, a distance of 170.0 feet to a
point on the North line of the Northwest quarter of
Section 20-31-13; thence North 90 degrees 00 minutes
East, along the aforesaid North line of the Northwest
quarter of Section 20-31-13, a distance of 150.0 feet
to the point of beginning,

and the symbols of the City of Fort Wayne Zoning Map No. R-
34, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the

#428

Mayor.

Janet G. Bushberry
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOUR STAR BOND
SOUTHWESTERN CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>1</u>		<u>2</u>
<u>BRADBURY</u>		<u>✓</u>		
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>				<u>✓</u>
<u>HENRY</u>				<u>✓</u>
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 7-10-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-07-90 on the 10th day of July, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of July, 1990, at the hour of 10:00 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of July, 1990, at the hour of 2:00 o'clock PM, E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 7285

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., Feb 15th 1990

RECEIVED FROM Baker & Daniel \$ 100⁰⁰

THE SUM OF One Hundred and No /100's DOLLARS

ON ACCOUNT OF Regency Rehabilitation & 3400 St. Louis Rd

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W.E. O'H
AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO.

7285

DATE FILED

2-15-98

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE

HANDY DANDY STORE

I/We J & J Realty, an Indiana general partnership
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RA District to a/an B-1-B District the property described as follows:

See Exhibit "A" attached hereto

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3400 Block of St. Joe Center Road

Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

J & J Realty, an

4600 W. Jefferson Blvd.

Indiana general partnership

Fort Wayne, Indiana 46804

By:

William P. Yarnelle

General Partner

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Jon A. Bomberger

2400 Fort Wayne National Bank Bldg.

BAKER & DANIELS

Fort Wayne, Indiana 46802

(219)424-8000

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning, and (CITY PLAN COMMISSION / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140)).

Applicants, property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

EXHIBIT A

Property is located in the County of Allen, State of Indiana and identified or described as follows:

Part of the West half of the Northwest quarter of Section 20, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northwest quarter of Section 20, Township 31 North, Range 13 East, Allen County, Indiana, said point being situated 258.7 feet West of the Northeast corner of the West half of the Northwest quarter of said Section 20-31-13; thence South 00 degrees 10 minutes East, parallel to the East line of the West half of the Northwest quarter of Section 20-31-13, a distance of 170.0 feet to a point; thence South 90 degrees 00 minutes West, parallel to the North line of the Northwest quarter of Section 20-31-13; a distance of 150.0 feet to a point; thence North 00 degrees 10 minutes West, parallel to the East line of the West half of the Northwest quarter of Section 20-31-13, a distance of 170.0 feet to a point on the North line of the Northwest quarter of Section 20-31-13; thence North 90 degrees 00 minutes East, along the aforesaid North line of the Northwest quarter of Section 20-31-13, a distance of 150.0 feet to the point of beginning.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-03-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 16, 1990.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 23, 1990.

Certified and signed this
24th day of April 1990.



Robert Hutner
Secretary

#422

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3400 Block of St Joe Center Road

2-90-03-25

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential.

Property will become B-1-B - Limite Business.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-90-03-25

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From RA to B-1-B

DETAILS**Specific Location and/or Address**

3400 Block of St Joe Center Road

Reason for Project

Handy Dandy Convenience Store

Discussion (Including relationship to other Council actions)16 April 1990 - Public Hearing

See Attached Minutes of Meeting

23 April 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven members present, five voted in favor of the motion, one voted against the motion and one did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

J&J Realty Corp
City Department

Other

Opponents**Groups or Individuals**

Gerald Walker, 3736 Knollcreek
Edwin Brindle, 3742 North
Creek Dr

Basis of Opposition

-area did not need another
service station
-would generate more traffic
into heavily congested area

**Staff
Recommendation**☐ For☒ Against**Reason Against**

-could lead to lowering of
property values in area
-not consistent zoning for
area to the north or east

**Board or
Commission
Recommendation****By**☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

Bill No. Z-90-03-25 - Change of Zone #422

From RA to B-1-B

3400 Block of St Joe Center Road

This case was deferred at the request of the petitioner from the March 19, 1990 Public Hearing.

Jon Bomberger, attorney for the petitioners appeared before the Commission. Mr. Bomberger stated that the parcel is surrounded on three sides by B-3-B zoning and that surrounding property is occupied by a mini-warehouse development. He stated that instead of asking for a B-3-B zoning they are asking only for the zoning necessary for the use they want to develop, a B-1-B zoning. He stated this is a lesser zoning and allows for less intense uses than the B-3-B. He stated that they wish to establish a Lassus Handy Dandy Gas Station and Convenience Store. He stated that they believe that this particular use is the highest and best use for this property. He stated that the existing RA designation on this property is no longer a possible use of this property. He stated that the intent is to use the tract for a limited business classification. He stated because of the type of use and the limited size of the business it would serve the existing traffic and not generate additional new traffic. Mr. Bomberger stated that there is an existing tree line along the eastern border of the property which they intend to maintain as a buffer from the residential properties to the east. He stated that they are trying to zone this property to its highest and best use and still utilize the least intensive classification. He stated that the size of the parcel does not allow for a very high intensive use, it is less than 1 acre.

David Long questioned that since the staff has recommended Do Not Pass on this petition had there been any other uses suggested for this parcel.

Mr. Bomberger stated that one was a planned office district, but he felt the size of the lot would not accommodate an office district.

Neal Kobi, one of the owners of the mini-warehouse project which surrounds the property on three sides spoke in support of the proposed rezoning.

Gerald Walker, 3736 Knollcrest Road, appeared before the Commission in opposition to the proposed rezoning. Mr. Walker presented the Commission with a petition containing 95 signatures in opposition to the proposed rezoning.

Edwin Brindle, 3742 North Creek Drive, appeared in opposition to the proposed rezoning.

The opposition was opposed to the use stating they did not feel there was a need for another gas station in the area and that it would generate more traffic into an area that already is heavily congested. They also did not feel the area could support another

Hold under
7/10/90

Request
by petitioner
to discuss 5/15/90

COMMITTEE ON REGULATIONS

CHAIRMAN
VICE CHAIRMAN
ADVISOR
SECRETARY
CLERK

TRAFFIC
ST. JOE

W. J. ...

~~traffic~~ 65
~~St. Joe~~

[illegible]

NO REC

Janet H. Bradbury
W. H. Field

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

Fort Wayne Common Council
C/O City Clerk
City-County Building
One Main Street
Fort Wayne IN 46802

RE: Rezoning Petition Z-90-03-25
Handy Dandy Store

Members of the Council:

This letter has been prepared to respond to traffic concerns discussed at your June 5, 1990 meeting for the above referenced subject.

St. Joe Center Road, east of St. Joe Road to Reed Road is a two (2) lane City arterial roadway with a posted speed limit of 40 MPH. It is a section of a primary East/West traffic corridor with an average daily traffic (ADT) volume of 17,000 vehicles. Presently, Allen County's St. Joe Road Project, at the Section's west limits, contributes to major traffic delays along the roadway.

The Traffic Engineering Department projects that this section of St. Joe Center Road will have a "Level of Service E" (LOS E) during peak traffic periods after the project's construction is completed. LOS E is characterized by significant approach delays and average travel speeds of 1/3 the free flow speed or lower. The projected condition will be the result of too few lanes (roadway capacity) to handle the volume of traffic using it.

Traffic Engineering has located a filed Building Permit Review document for the Mini Warehouse Park adjacent to the west and behind the investigated property. Conditions listed for approval of the building permit were not initiated. Conditions included:

- 1) driveway approach deceleration,
recovery and passing lane
- 2) document from property owner
stating an easement agreement
to Lassus Oil from driveway
approach and no further access
to be allowed on St. Joe Center
Road

The City is aware of the existing and projected condition for this section of roadway. The Transportation Engineering Department has been acquiring right-of-way (40' each side of center line) as it becomes available, for a future major improvement project. A five (5) lane Section (2 thru lane each direction & center bi-directional left turn lane) is proposed.

It is Traffic Engineering Department's opinion that the addition of a commercial structure, such as the proposed Handy Dandy Service Station/Convenience Store, along this section of St. Joe Center Road will create significant reduction in the LOS and safety of the existing roadway. Vehicles turning into the facility

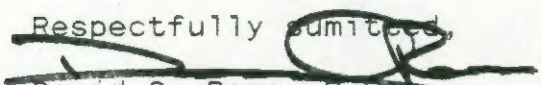
will conflict with thru traffic.

Street widening should be constructed before any further development occurs along this section of roadway. The following improvements are minimum conditions that should be required before new development is allowed. 1) A center bi-directional left turn lane will be required. Left turns can not be prohibited due residential driveways along the north side of the roadway.

2) Thru traffic lanes will need to be relocated around the center turn lane. 3) Deceleration and recovery lanes will be required at site approach. 4) An approach for this site should be limited to the existing approach to the mini warehouse park and an access agreement between properties. 5) Dedication of a minimum additional 15' of right-of-way totaling 40' along St. Joe Center Road should be submitted to City for future roadway improvements.

If you have any questions concerning this letter, I am available for further explanation.

Respectfully submitted,


David G. Ross, P.E.
Traffic Engineer

DGR/tsa

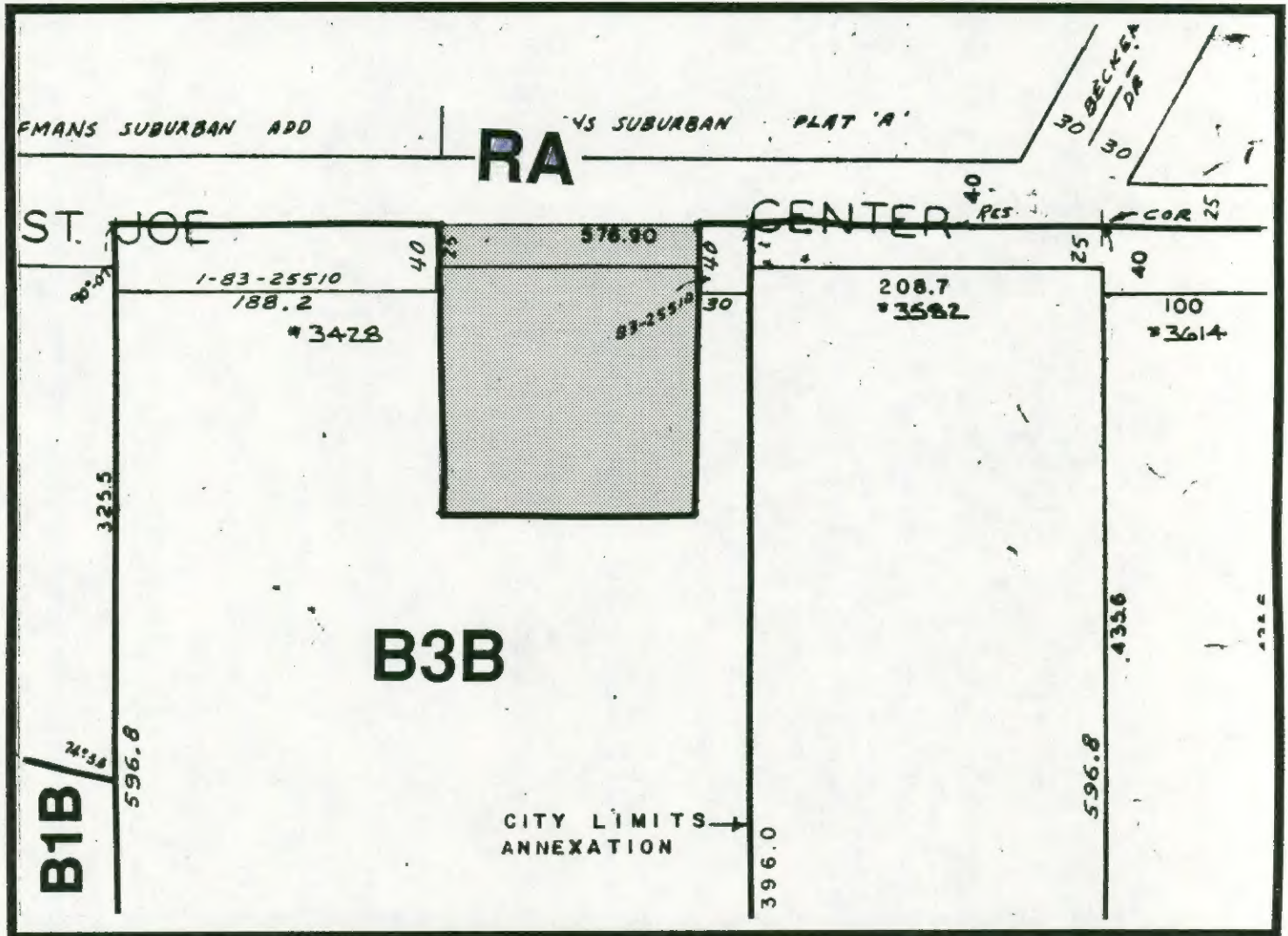
cc: Greg Purcell, C & ED
Mark Gensic, City Engineer
Carl O'Neal, Director of Transportation Engineering
Steve Davis, Asst. Traffic Engineer
File (2)

REZONING PETITION #422

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A B1B DISTRICT.

MAP NO. R-34

COUNCILMANIC DISTRICT NO. 2



ZONING:

B3B GENERAL BUSINESS "B"

RA RESIDENCE "A"

B1B LIMITED BUSINESS "B"

LAND USE:

☐ COMMERCIAL

☐ SINGLE FAMILY

SCALE: 1"=100'

DATE: 3-6-90

